IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.1262 OF 1999
IN
SUMMARY SUIT NO.4092 OF 1994

MMTC Ltd. … Plaintiff
Vs.
M/s. Hansit Kumar & Co. & Ors. … Defendants

Ms. Naseem Patrawala, Adv. i/b. Pravin Mehta & Mithi & Co. for the plaintiff.
None for the defendants.

CORAM : MRS. ROSHAN DALVI, J.
DATE : 5th May, 2014.

P.C. :

The Summons for Judgment came to be granted on 18th March, 2002 by order of this Court. The Summons for Judgment is for Rs.7,89,325/- as set out in the plaint and for interest and cost. Hence what was granted was Rs.7,89,325/- interest thereon and costs of the Summons for Judgment. In the plaint the plaintiff has shown how Rs.7,89,325/- came to be the amount in the suit. That is as per Exh.E to the plaint. Exh. E to the plaint shows Rs.7,89,325/- by way of principal amount and Rs.7,90,776/- by way of interest at the contractual rate of 30% p.a. on quarterly rest basis. This would be the amount of interest till the filing of the suit. Thereafter in the suit the plaintiff has prayed for further interest but not specified the rate of interest. In the Summons for Judgment also the plaintiff has prayed for interest but not specified the rate. Consequently in the order dated 18th March, 2002 no interest is specified. The plaintiff now applies for speaking to the minutes to incorporate in the order dated 18th March, 2002 the interest to be granted. Such interest would be U/s.34 of the Code of Civil Procedure. The interest is granted at the rate of 6% p.a. from the filing of the suit until realisation.

(ROSHAN DALVI, J.)